



NATIONAL BLACK POLICE ASSOCIATION

March 2, 2011

**2010-2011
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Ted J. Williams, Esq

Judge Advocate
Rick Holton

Via email: TPSAC@fda.hhs.gov

Caryn Cohen, M.S.
Office of Science
Center for Tobacco Products
Food and Drug Administration
9200 Corporate Blvd. Room 320W
Rockville, MD 20850

Dear Ms. Cohen,

According to a Federal Register notice, the Tobacco Products Scientific Advisory Committee will conduct a meeting on March 17, 2011 to discuss its required report to the Secretary of Health and Human Services.

The attached is a written submission on issues pending before the Committee. This submission has been prepared for the viewing of Committee members and to be part of the official record.

Along with submitting this electronically via email at the above email address, I have also enclosed 20 paper copies. Please let me know that you have received both the print and electronic copies.

Thank you for your consideration.

Sincerely,

Malik Aziz
National Chairman
maziz@blackpolice.org



NATIONAL BLACK POLICE ASSOCIATION

STATEMENT OF THE NATIONAL BLACK POLICE ASSOCIATION TO THE TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE

March 17, 2011

The National Black Police Association (NBPA) is pleased to present this statement to the Tobacco Products Scientific Advisory Committee on important issues surrounding the impact of a possible ban on the use of menthol in cigarettes. NBPA appreciates this second opportunity to make its views known to TPSAC as the Committee finalizes its report to the Secretary of Health and Human Services.

Chartered in 1972 as a not-for-profit corporation, our organization is committed to improving the relationship between Police Departments and the minority communities, and to evaluating the effect of the policies and programs within the Criminal Justice System upon the minority community. We also are dedicated to eliminating racial discrimination.

As an organization, NBPA has no stance on the scientific and medical issues regarding the impact of the use of menthol in cigarettes aside from saying that we believe any governmental decision – especially one that could ban a previously legal product – should be rooted on rigorous, credible and objective science.

However, we have serious concern about the probability that a ban of menthol cigarettes would create a substantial illicit market in menthol cigarettes.

In our previous presentation on February 10, 2010, which was prepared for TPSAC's Menthol Subcommittee, we said:

"Most of our members have policed the country's biggest cities and most dangerous neighborhoods. They are well aware that the illegal tobacco market is already a growing problem. It is also important to note that some of our members are from Canada. As you should know, the share of purchased illegal cigarettes in some Canadian provinces has increased to almost half the entire tobacco trade."

And we added:

"The National Black Police Association believes strongly that a ban on menthol cigarettes would create a sizable contraband market and would add another burden to Police Departments as institutions and Police Officers as individuals. We strongly urge the Committee to assure itself that a ban on menthol would not lead to more selective prosecutions of minorities."

Sadly, despite NBPA's caution, nothing has occurred since then to assuage our concerns. NBPA is alarmed that TPSAC is putting the final touches on its report without fulfilling the congressional



NATIONAL BLACK POLICE ASSOCIATION

mandate to study the adverse public health effects of a black market created by a ban on menthol cigarettes.

If TPSAC recommends a ban, it would not only ignore the negative public health consequences of contraband markets, but it would also add a burden to law enforcement. In our same submission in February, NBPA said:

“The National Black Police Association believes strongly that a ban on menthol cigarettes would create a sizable contraband market and would add another burden to Police Departments as institutions and Police Officers as individuals. We strongly urge the Committee to assure itself that a ban on menthol would not lead to more selective prosecutions of minorities.

As experienced law professionals, the members of NBPA believe a black market of contraband, illicit and unregulated cigarettes will be large if the government bans menthol cigarettes. Without question, illegal menthol cigarettes will find their way to consumers. A significant contraband market will deny governments of revenue, increase the availability of illicit cigarettes to underage youths, and fuel organized crime groups.

We all know that cigarette smoking is dangerous and leads to disease. However, the negative ramifications of a ban on menthol continue to deserve serious consideration.

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